



Entered on Docket
January 30, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
PRESERVE AT GALLERIA, LLC
LOAN**

Hearing Date: January 22, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Preserve At Galleria, LLC Loan (the "Objection") [DE 6641]. Adequate
4 notice of the Objection was given. The Court heard the Objection on January 22, 2009.
5 No responses were filed to the Objection and no opposition was raised at the hearing.
6 Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Preserve At Galleria, LLC Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the Preserve At
13 Galleria, LLC Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

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17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ John Hinderaker (#18024)
20 Rob Charles
21 John Hinderaker
22 *Attorneys for USACM Liquidating Trust*
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of approval under LR 9021.
- 4 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 5 in the case.
- 6 ☒ No opposition was filed to the motion and no other party or counsel appeared at
- 7 the hearing.
- 8 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 9 parties who have appeared at the hearing, and any trustee appointed in the case,
- 10 and each has approved or disapproved the order, or failed to respond, as
- 11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ John Hinderaker (#18024)

14 Rob Charles

15 John Hinderaker

16 *Attorneys for USACM Liquidating Trust*

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**PRESERVE AT GALLERIA LOAN
THIRD OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan
10725-02071	Robert R. Rodriguez	5748 Newberry Point Drive Flowery Branch, GA 30542	\$329,977.39	\$25,000.00
10725-01214	Phillip Rulon	2800A Wrondel Way Reno, NV 89502	\$503,479.62	\$82,332.41
10725-00893	Joyce E. Smith Trust Dated 11/3/99	c/o Joyce E. Smith Trustee 3080 Red Springs Drive Las Vegas, NV 89135-1548	\$853,678.82	\$80,478.95
10725-02428	Tiki Investment Enterprises LP	2578 Highmore Avenue Henderson, NV 89052	\$1,200,128.00	\$75,000.00
10725-02416	Gerry Topp	10745 West River Street Truckee, CA 96161	\$260,703.10	\$25,000.00
10725-02299	Zawacki A. California LLC	P.O. Box 5156 Bear Valley, CA 95223- 5156	\$1,500,000.00	\$50,000.00